

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	:	PRELIMINARY ORDER OF
	:	FORFEITURE AS TO A
	:	<u>SUBSTITUTE ASSET</u>
-v.-	:	
	:	S2 17 Cr. 566 (KMK)
ANSUMANA SHERIFF,	:	
a/k/a "Ansu Sheriff,"	:	
a/k/a "Moussa,"	:	
Defendant.	:	
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WHEREAS, on or about June 27, 2018, Ansumana Sheriff, a/k/a "Ansu Sheriff," a/k/a "Moussa" (the "Defendant") was charged in two-count Superseding Information S2 17 Cr. 566 (KMK) (the "Information"), with conspiracy to commit bank fraud, in violation of Title 18, United States Code, Section 1349 (Count One); and conspiracy to unlawfully transfer, possess, and use a means of identification, in violation of Title 18, United States Code, Section 1028(f) (Count Two) (D.E. 48);

WHEREAS, the Information included a forfeiture allegation as to Count One of the Information seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 982(a)(2)(A), of any and all property constituting or derived from proceeds obtained, directly or indirectly, as a result of the commission of the offense charged in Count One of the Information, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of the offense charged in Count One of the Information that the Defendant personally obtained;

WHEREAS, the Information included a second forfeiture allegation as to Count Two of the Information, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Sections 982(a)(2)(B), 1028(b)(5), and 1028(h), of: (i) any and all property constituting, or derived

from, proceeds obtained, directly or indirectly, as a result of the commission of the offense charged in Count Two of the Information, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of the offense charged in Count One of the Information that the Defendant personally obtained; (ii) all illicit authentication features, identification documents, document-making implements, and means of identification; and (iii) any personal property used or intended to be used to commit the offense charged in Count Two of the Information;

WHEREAS, the Information also included a substitute asset provision providing notice that if, as a result of the Defendant's acts or omissions, forfeitable property cannot be located upon the exercise of due diligence; has been transferred or sold to, or deposited with, a third party; has been placed beyond the jurisdiction of the Court; has been substantially diminished in value; or has been commingled with other property which cannot be subdivided without difficulty; pursuant to Title 21, United States Code, Section 853(p), the United States will seek forfeiture of any other property of the Defendant;

WHEREAS, on or about June 27, 2018, the Defendant pled guilty to Counts One and Two of the Information, pursuant to a plea agreement with the Government;

WHEREAS, on or about March 7, 2019 the Court entered a Consent Preliminary Order of Forfeiture as to Specific Property/Money Judgment imposing a forfeiture money judgment in the amount of \$256,148.39 in United States currency (the "Money Judgment") and forfeiting the Defendant's right, title and interest in various specific property (the "Specific Property") (D.E. 58);

WHEREAS, the Money Judgment entered against the Defendant remains unpaid;

WHEREAS, as a result of acts and omissions of the Defendant, the United States, despite its exercise of due diligence, has been unable to locate, obtain, or collect assets traceable to

the proceeds of the Defendant's offenses to fully satisfy the Defendant's Money Judgment, other than the Specific Property;

WHEREAS, the Government has identified the following asset in which the Defendant has an ownership interest:

- a) \$1,411.00 in United States currency seized from the Defendant on or about April 13, 2017;

(the "Substitute Asset"); and

WHEREAS, the Government is seeking the forfeiture of all of the Defendant's right, title and interest in the Substitute Asset.

NOW IT IS THEREFORE ORDERED, ADJUDGED AND DECREED THAT:

1. All of the Defendant's right, title and interest in the Substitute Asset is hereby forfeited to the United States of America, for disposition in accordance with the law, subject to the provisions of Title 21, United States Code, Section 853(n).

2. Upon entry of this Preliminary Order of Forfeiture as to a Substitute Asset, the United States Marshals Service (or its designee) is hereby authorized to take possession of the Substitute Asset and to keep it in its secure, custody and control.

3. Upon entry of a Final Order of Forfeiture as to the Substitute Asset shall be applied towards partial satisfaction of the Money Judgment entered against the Defendant.

4. Pursuant to Title 21, United States Code, Section 853(n)(1), Rule 32.2(b)(6) of the Federal Rules of Criminal Procedure, and Rules G(4)(a)(iv)(C) and G(5)(a)(ii) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, the United States shall publish for at least thirty (30) consecutive days on the official government internet forfeiture site, www.forfeiture.gov, notice of this Preliminary Order of Forfeiture as to Substitute Asset and notice that any person, other than the defendant in this case, claiming an interest in the

Substitute Asset must file a petition within sixty (60) days from the first day of publication of the notice on this official government internet site, or no later than thirty five (35) days from the mailing of actual notice, whichever is earlier.

5. The notice referenced in the preceding paragraph shall state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the Substitute Asset, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title or interest in the Substitute Asset and any additional facts supporting the petitioner's claim and the relief sought, pursuant to Title 21, United States Code, Section 853(n).

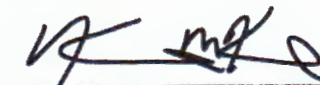
6. The United States may also, to the extent practicable, provide direct written notice to any person, other than the Defendant, known to have an alleged interest in the Substitute Asset, as a substitute for published notice as to those persons so notified.

7. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture with respect to the Substitute Asset, pursuant to Title 21, United States Code, Section 853(n), in which all interests will be addressed.

8. The Court shall retain jurisdiction to enforce this Preliminary Order of Forfeiture as to a Substitute Asset, and to amend it as necessary, pursuant to Federal Rule of Criminal Procedure 32.2(e).

Dated: New York, New York
August 4, 2023

SO ORDERED:



HONORABLE KENNETH M. KARAS
UNITED STATES DISTRICT JUDGE